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4 Attorney for Defendant
5 SANG HUN PARK
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO VENUE
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12 UNITED STATES OF AMERICA,) NO. CR-05-00447 CRB
13 Plaintiff,) REQUEST, STIPULATION AND
14 vs.) ORDER
15 SANG HUN PARK,)
16 Defendant.)

17 This matter is currently set on the Court's calendar for October 25, 2006. Through counsel,
18 Defendant Sang Hun Park and the United States ask the court to (a) vacate the October 25, 2006 date
19 based on the defendant's anticipated plea agreement, (b) set a date of November 29, 2006 for change
20 of plea and (c) exclude time under the Speedy Trial Act, 18 U.S.C. section 3161 from October 25,
21 2006 to November 29, 2006.

22 1. The parties are currently working out the language of a superseding information, plea
23 agreement, and statement, and request that the Court set the matter for November 29, 2006 for
24 change of plea.

25 2. The parties agree that the time between October 25, 2006 and November 29, 2006 should
26 be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex. See
27 18U.S.C. section 3161(h)(8)(B)(ii). Further, defense counsel is investigating the immigration
28 consequences of a plea. That matter needs a short amount of time to be resolved, and thus the parties

1 agree that a continuance is necessary for the effective preparation of defense counsel, taking into
2 account the exercise of due diligence. See 18 U.S.C. section 3161(h)(8)(B)(iv). The parties also agree
3 the ends of justice are served by excluding the period from October 25, 2006 to November 29, 2006
4 outweigh the interest of the public an the defendant in a Speedy Trial. See id. section 3161(h)(8)(A0.

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6 STIPULATED:

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8 DATED: October 20, 2006



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10 MICHAEL GAINES
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12 Attorney for Sang Hung Park

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DATED: October 20, 2006

/S/

PETER AXELROD
Assistant United States Attorney

ORDER

16 For good cause shown, and for the reasons stated above, the Court (a) vacates the October
17 25, 2006, hearing date for defendant Sang Hung Park based on the anticipated plea agreement, (b)
18 sets the matter for a change of plea on November 29, 2006 at 2:15 p.m., and (c) excludes time under
19 the Speedy Trial Act, 18 U.S.C. section 3161 from October 25, 2006 to November 29, 2006. The
20 Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable
21 time necessary for effective preparation taking into account the exercise of due diligence. Further,
22 the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. section
23 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested
24 exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the
25 prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time

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3 should be made under 18 U.S.C. sections 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

4 IT IS SO ORDERED.

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6 DATED : October 23, 2006

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